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C O N F I D E N T I A L SECTION 01 OF 03 BAKU 000507

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SUBJECT: AZERBAIJAN: UPDATE ON THE HUMAN DIMENSION

REF: 08 BAKU 1029

Classified By: Deputy Chief of Mission Donald Lu, for reasons 1.4 b and d.

¶1. (C) Summary: On June 9 poloff hosted a meeting of western embassies and international organizations including the EU (Council and Commission), the OSCE and the Council of Europe accredited in Baku in order to discuss a wide range of issues related to democracy and human rights-- the human dimension of Azerbaijan's OSCE commitments. The group had an active discussion on problems from religious freedom to judicial reform to media issues. The length and depth of the discussion indicates increased concern over these issues, and the group agreed to attempt better coordination on them in the future. End Summary.

Religious Freedom

¶2. (C) In accordance with the changes made to the law on religious freedom, the State Committee on Work with Religious Affairs (SCWRA) has announced that all religious communities in Azerbaijan need to re-register by January 2010. The group expressed concern that this process may be difficult, and agreed to monitor it. In addition, Omer Murat of the Embassy of Turkey noted that new regulations are being put into place regarding religious literature, which will force sellers to put this material in specially marked sections. He believes this will increase the GOAJ's control over its distribution and availability to the public as it will give the GOAJ broad powers to define such texts as well as intimidate sellers. While local religious material may be restricted, outside material such as broadcasts of Iranian Sahar TV cannot be blocked.

¶3. (C) Murat also commented on the closure of the "Turkish Mosque" that is located near the Azeri Parliament. It is widely believed that this was in response to Turkey's negotiations with Armenia. However, Murat commented that he believes that the closure was caused by the GOAJ's general wariness regarding large religious gatherings, a feeling generally associated with post-Soviet leaders. After the closure of the Turkish Mosque and earlier closing of the Abu Bakr mosque (reftel), members of the community flocked to a mosque connected to Baku State University, which also has a Turkish imam. In an attempt to keep the mosque from being closed, the mosque's imam put a sign on the door saying that people should not come to the mosque to pray too often. Murat also cited cases of Sunnis being arrested in connection with "Wahhabist movements," though they were simply religious

Sunnis instead. Overall, the very moderate Turkish religious influence, in the form of Diyanet-approved imams and religious scholars, has been significantly reduced since its peak in the 1990s. Murat noted, however, that the GOAJ asked Turkish government-appointed imams to stay in their positions in the north of Azerbaijan, due to worries about the religious influence from Dagestan and Chechnya.

Oil Academy Shooting

14. (C) Several participants, including poloff, noted that they had heard from Azerbaijan Committee Against Torture head Elchin Behbudov that there are currently eight people held by the Ministry of National Security in connection with the April 30 State Oil Academy shooting, though they have not been formally charged. Behbudov visited the individuals in first week following the shooting, citing the possibility of torture of these prisoners. He also stated that there is a potential that more people are being held in other locations.

In an earlier meeting with Embassy poloff, Behbudov had stated that the individuals are citizens of Georgia but of Azeri ethnicity, which has not been confirmed by a second source. OSCE representative Monica Martinez agreed to see if she could visit these prisoners, but doubted that it would be possible.

Change in Human Rights Ombudsman

15. (C) Veronika Kotek of the Council of Europe (CoE)

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explained the current situation with changes to the position of Human Rights Ombudsman. On May 26 the parliament held the first reading of a constitutional amendment that would eliminate term limits for the Ombudsman position. The second reading of this change cannot happen until six months later, i.e. not until November. However, the term of the current Ombudswoman Elmira Suleymanova ends in June, and the President has not submitted nominations for her replacement to Parliament, as is required by the Constitution. Kotek believes the position is likely to remain vacant until the Constitution is changed and Suleymanova is able to be re-nominated. (COMMENT: Suleymanova's re-nomination would be unfortunate, as during her seven previous years in this position she has not been a strong advocate for reform. END COMMENT.)

Media Freedom

16. (C) Kotek also briefed the group on a recent conference the CoE sponsored on internet regulation. Kotek believes the GOAJ is working on such regulation now, and stated that the conference was an attempt to steer the GOAJ in the right direction. Kotek and several others agreed, however, that comments made by Ali Hasanov, head of the social-political department in the Presidential Administration, at the conference were worrisome. Kotek also explained that the case of Mushfig Huseynov, the imprisoned journalist, has been declared a priority case for the European Court of Human Rights. The processes have been expedited and a ruling should be decreed in approximately one year. Richard Scarborough of the Embassy of Norway briefed the meeting on a new project in conjunction with the Council of Europe that seeks to teach the basics of journalism in Azerbaijan at the Slavic University.

17. (C) The group also discussed the recent overturning of the conviction of two journalists for libel. While poloff expressed hope that this was signal the GOAJ was moving in the correct direction on this issue, others in the group were skeptical. The group agreed to continue monitoring the treatment of libel cases, and to continue advocating for a legislative change decriminalizing libel..

Judicial System

¶18. (C) The group then discussed a number of problems in Azerbaijan's judicial system. Azerbaijani lawyers hoping to enter the official Collegium of Advocates took an entrance exam in May. The passing rate of this first round was low, and lawyers who did pass said the questions seemed arbitrary and irrelevant. Philippe Wieber from the Embassy of France said that the exam was only being offered once every two years, though by law it should be offered annually. The group agreed to continue to monitor this process.

¶19. (C) Martinez reported that the OSCE will discuss the preliminary finding of their trial monitoring project with the GOAJ on June 30. The results show little improvement from the previous year's report. The final report will be public in early 2010. On penitentiary system reforms, the GOAJ has built a new pre-trial detention facility at the approximate cost 95 million USD which is seen as the new standard for prisons in the South Caucasus and wider region. Murat also discussed a prison reform/exchange program with Azri prison officials, where they will travel to Turkey to receive training as well as tour new Turkish EU-standards prisons.

Readout of EU Human Rights Dialogue

¶10. (C) Claire Delessard of the Council of the European Union reported on the June 2 meeting of the EU's human rights working group with the GOAJ. The meeting was chaired on the GOAJ's side by Deputy Foreign Minister Mammadgulyev and included 15 state agencies. Delessard reported that Mammadgulyev was "offended" (his words) by several parts of the progress report on the European Neighborhood Policy. They agreed to work in this working group format, however, on five areas including elections, minority rights, democracy,

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reform of the prosecutor general's office, and judicial system reforms. The next session of this working group will be held in September.

Comment

¶11. (C) The length of this meeting (over two hours) shows the large scope of human dimension issues ongoing in Azerbaijan. In addition, the wide participation in the meeting (14 Embassies and missions) and the active discussion indicates there is general concern among western countries over the direction Azerbaijan has taken. The group agreed in general to attempt better coordination on advocacy on these issues in the future.

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